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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,183	04/06/2001	Dan A. Steinberg	23091/36	4378
7590	05/22/2003			
Maria M Eliseeva Brown Ruddick Berlack Israels LLP One Financial Center 18th Floor Boston, MA 02111			EXAMINER DOAN, JENNIFER	
		ART UNIT 2874	PAPER NUMBER	

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/827,183	STEINBERG, DAN A.	
Examiner	<b>Art Unit</b>		
Jennifer Doan	2874		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 03 March 2003 .

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1 and 11-17 is/are rejected.

7)  Claim(s) 2-10 and 18-26 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ . 6)  Other: \_\_\_\_\_ .

**DETAILED ACTION**

***Specification***

1. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morikawa (U.S. Patent 6,132,107).

Morikawa discloses (Figs. 3-8) an optoelectronic package comprising a base chip (12) having a V-groove (Fig. 4C); a fiber array (11) having an array V-groove (Figs. 3-8); a wick stop (column 5, lines 1-13); an optical fiber (20) disposed in both V-grooves to couple the chip and array and wherein the base chip comprises a surface device as shown in Fig. 3.

Morikawa discloses all the limitations of the claimed invention except Morikawa does not disclose an optical fiber having an angled endface as recited in claims 1 and

14. However, it would have been an obvious matter of design choice to make the optical fiber with an angled endface, since such a modification would have involved a mere change in the figure of a component. A change in form or shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1976).

4. Claims 12, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morikawa (as cited above) in view of Clark (5,073,003).

Morikawa discloses all the limitations of the claimed invention except Morikawa does not disclose the surface device comprising a VCSEL as recited in claims 12 and 16 or photodetector as recited in claims 13 and 17. However, the VCSEL and photodetector are well known in the art as taught by Clark. Clark teaches the VCSEL and photodetector (13, Fig. 1 and column 1, lines 19-28) to detect and direct the light beam signal. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Morikawa's device with the VCSEL and the photodetector. Doing so would detect and direct the desirable light beam signals to obtain the efficient optical coupling in an optoelectronic device.

#### ***Allowable Subject Matter***

5. Claims 2-10 and 18-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to disclose or reasonably suggest an optoelectronic package wherein the array has a monolithic sealing lid as recited in claims 2 and 18; wherein the base chip has an etch stop layer under the laser as recited in claims 4 and 20; wherein the array comprises a first pit and the chip comprises a second pit as recited in claims 8 and 24; further comprising an alignment sphere disposed between the first and second pits as recited in claims 9 and 25; and further wherein the array comprises a middle portion bordered by the first and second wick stops as recited in claims 10 and 26.

Claims 3, 5-7, 19 and 21-23 are dependent on the objected claims 2, 4, 18 and 20 respectively.

### ***Response to Arguments***

6. Applicant's arguments, see pages 2 and 3 of the remarks, filed 03/03/2003, with respect to the rejection(s) of claim(s) 1-26 under Clark (U.S. Patent 5,073,003) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Morikawa (U.S. Patent 6,132,107). This action is **NOT** made final.

### ***Conclusion***

7. Applicants' arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection. This action is **not** made final.

8. Any inquiry concerning the merits of this communication should be directed to Examiner Jennifer Doan whose telephone number is (703) 308-6179. The examiner

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can normally be reached on Monday to Thursday from 6:30am to 4:00pm, first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick, can be reached on (703) 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



AKM ENAYET ULLAH  
PRIMARY EXAMINER

JD

JD

May 15, 2003